

NEW HUD LEAD-BASED PAINT REGULATION

Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing
Receiving Federal Assistance and Federally Owned Residential Property Being Sold

QUESTIONS AND ANSWERS

September 16, 1999

These questions and answers are organized in four parts:

- A. Introduction
- B. Requirements and Organization of the Regulation
- C. Definitions
- D. Additional Sources of Information

Following the questions and answers are a Summary of Requirements and a List of HUD Housing Assistance Programs Covered by Each Subpart of the Rule Within 24 CFR Part 35.

A. INTRODUCTION

A1. What is the purpose of this regulation?

HUD is issuing this regulation to protect young children from lead-based paint hazards in housing that is financially assisted by the Federal government or sold by the government. The regulation establishes requirements that will control lead-based paint hazards in such housing. It applies only to housing that was built before 1978, when lead-based paint was banned nationwide for consumer use.

A2. I thought HUD already had lead-based paint regulations. What's new about this?

HUD does have existing lead-based paint regulations. This new regulation consolidates all of the Department's existing regulations in one part of the Code of Federal Regulations (CFR). Now you can easily find HUD's lead-based paint policies in one place, instead of having to look through each program-specific part of the CFR.

More importantly, this regulation implements the new requirements, concepts and terminology established by the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X ("ten") of the Housing and Community Development Act of 1992. The new regulation retains the existing fundamental requirement of repairing deteriorated paint, but it also controls the lead-contaminated dust associated with the presence of lead-based paint. Research has found lead in dust to be the most common pathway of childhood exposure to lead. The clearance requirement in the regulation is the best example of the emphasis on dust resulting from these research findings. Clearance involves testing settled dust for lead contamination after hazard control work; it ensures that fine particles of lead in dust have been cleaned up. The old regulations did not require cleanup or clearance. (See Question B8, below, for further information on clearance.)

Also, this regulation uses the framework of trained and certified lead-based paint professionals developed in recent years by the U.S. Environmental Protection Agency (EPA) in cooperation with most States. The Department believes that these changes will result in a much more effective national program to prevent childhood lead poisoning.

A3. When does the regulation take effect?

Prohibitions against using dangerous methods of removing paint take effect on November 15, 1999, but most of the regulation takes effect on September 15, 2000, one year after publication. The purpose of the one-year phase-in period is to provide time for owners and managers of housing, and local program administrators to learn about the requirements and plan and budget for compliance. HUD plans to provide training and technical assistance on the new requirements (see Question D1, below).

A4. How does this regulation affect the lead-based paint disclosure requirements that were issued jointly by HUD and EPA in 1996?

It has no effect whatsoever on the disclosure requirements. However, it changes the letter of the subpart of 24 CFR Part 35 where the HUD-published disclosure requirements are found from subpart H to subpart A. The section numbers and the text of the disclosure requirements stay the same.

A5. What kinds of properties are exempted from the regulation?

The following properties are not covered by this regulation, either because lead paint is unlikely to be present, or because children will not occupy the house in the future:

- Housing built after January 1, 1978 (when lead paint was banned for residential use)
- Housing exclusively for the elderly or people with disabilities, unless a child under age 6 is expected to reside there
- Zero bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks
- Property that has been found to be free of lead-based paint by a certified lead-based paint inspector
- Property where all lead-based paint has been removed
- Unoccupied housing that will remain vacant until it is demolished
- Non-residential property
- Any rehabilitation or housing improvement that does not disturb a painted surface.

Also, emergency repair actions needed to safeguard against imminent danger to human life, health or safety, or to protect property from further structural damage are exempted.

Finally, the requirements do not apply to emergency housing assistance (as for the homeless), unless the assistance lasts more than 100 days, in which case the rule does apply.

A6. How many dwelling units will be affected by this regulation?

In the first year after the effective date, HUD estimates that over 1.2 million HUD-associated dwelling units will be covered by the regulation. After five years, about 2.8 million HUD-associated units will have been affected. The Economic Analysis accompanying the rule explains how these numbers were developed.

A7. What are the benefits and costs of the regulation?

See the Economic Analysis accompanying the rule for a full description of costs and benefits. The benefits of the rule are primarily the increased lifetime earnings of children whose exposure to lead is reduced by living in housing made lead-safe as a result of the regulation. The estimate of increased lifetime earnings is from scientific studies of links between lead exposure and lost IQ, and between IQ and lifetime earnings. Other benefits include avoided costs of medical treatment and special education. In addition, benefits that have not been estimated in monetary terms include improving children's stature, hearing, and vitamin D metabolism; reducing juvenile delinquency and the burden on the educational system; avoiding the parental and family time, expenses and emotional costs involved in caring for lead poisoned children; and reducing personal injury claims and associated court costs.

HUD estimates that the present value of total benefits associated with the first five years of the regulation is \$2.65 billion for HUD-associated dwellings, using a three percent discount rate. The present value of the costs associated with the first five years of the regulation is estimated to be \$564 million. Therefore, estimated net benefits are \$2.08 billion.

The average cost per HUD-associated dwelling unit is estimated at approximately \$200 (\$564 million/2.8 million units). Many units will have no costs at all, because they have been well maintained and have no deteriorated lead-based paint. Other units may have significant costs.

A8. How can I get a copy of the regulation?

You can obtain the regulation, including its "preamble" (an explanation of the issues and policies), by downloading from the Internet at www.hud.gov/lea, or by mail from the National Lead Information Center at 1-800-424-LEAD.

HUD published the regulation in the Federal Register, on September 15, 1999, starting on page 50410. You can obtain copies of that issue by downloading from the Federal Register web site, www.access.gpo.gov/nara, or by mail, for a fee, from the Government Printing Office at 1-202-512-1800 (this is a toll call). There is no difference between the copies available from the HUD web site, the National Lead Information Center, the Federal Register web site, or the Government Printing Office.

B. REQUIREMENTS AND ORGANIZATION OF THE REGULATION

B1. What are the requirements of the regulation?

In accordance with Congressional intent, the requirements vary, depending on the nature of the Federal involvement (e.g., whether the housing is being disposed of or assisted by the Federal government); the type, amount and duration of financial assistance; the age of the structure (which is associated with the amount of lead in the paint); and whether the dwelling is rental or owner-occupied.

You can find a summary of requirements for each type of housing assistance at the end of these questions and answers. Details are in the regulation itself. If you are responsible for compliance with the regulation, you should become familiar with the specific requirements for your particular program or programs by reading the regulation or other detailed material (see Question D1, below, on training).

To illustrate the nature of the requirements, following is a brief description of two of the more common sets of hazard evaluation and control requirements.

One set of hazard control requirements that applies to several HUD programs is:

- Stabilization of any deteriorated paint, including correction of any moisture leaks or other obvious causes of paint deterioration, as well as repainting (paint stabilization is not required if the paint is tested and found not to be lead-based paint);
- "Clearance" following paint stabilization to ensure that there has been satisfactory cleanup of dust, paint chips and other debris (clearance includes scientific testing of settled dust for lead); and
- Ongoing maintenance of the paint to ensure that the housing remains lead safe.

Another set of requirements found in the regulation is:

- a risk assessment to identify lead-based paint hazards,
- interim control measures to eliminate any hazards that are identified,
- clearance, and
- ongoing maintenance and periodic reevaluation to ensure that lead-based paint hazards do not reappear.

The terms, "risk assessment," "lead-based paint hazards," and "interim controls" are explained below in questions C1-C3.

B2. Do I have any options?

Yes. When the regulation requires a risk assessment and i nterim controls, you can opt to do a "standard treatment," which assumes that lead-based paint is present on all surfaces. This option can reduce costs by bypassing up-front risk assessments, but it could also increase costs because some surfaces may be treated for lead hazards unnecessarily, that is, where no lead hazard is actually present. (See Question C4, below, for further discussion of "standard treatments.")

You also have other options. You have the option to test any deteriorated paint surface or surface to be disturbed by rehabilitation. If that surface is found to not contain lead-based paint, the requirements do not apply. Also, a less expensive lead hazard screen can be done as a first step of a risk assessment. If the housing passes the screen, a full risk assessment is not needed. You also have the option to conduct abatement, instead of interim controls and paint stabilization. Finally, when the regulation requires abatement of lead-based paint, a lead-based paint inspection is not required if all paint is assumed to be lead-based paint and all paint is abated.

B3. What dangerous methods of paint removal are prohibited under the rule?

Certain methods of removing paint are known to be dangerous, and/or produce very high levels of lead dust, and are prohibited. They are:

- Open-flame burning or torching.
- Abrasive blasting without high efficiency (“HEPA”) vacuum local exhaust.
- Machine sanding or grinding without HEPA vacuum local exhaust.
- Heat guns at temperatures above 1100 °F.
- Dry scraping (wet scraping should be done instead, except near electrical outlets, where use of water could result in electrocution hazards and except for very small areas of deteriorated paint, such as nail holes and hairline cracks);
- Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance (according to regulations of the Consumer Product Safety Commission or the Occupational Safety and Health Administration), such as methylene chloride.

B4. How is the regulation organized?

The regulation is divided into "subparts" of 24 CFR Part 35. Three subparts apply to all programs. Subpart A is the existing disclosure regulation that requires sellers and lessors of most pre-1978 housing to disclose known information on lead-based paint and/or lead-based paint hazards to prospective buyers and renters. Subpart B describes the scope of coverage of the new regulation and provides definitions and general requirements for all programs. Subpart R describes methods and standards for lead-based paint hazard evaluation and reduction activities. (Subparts E and N through Q are reserved for future use.)

Each of the other subparts (C through M) contains the requirements for a particular type of housing program or housing assistance, such as multifamily mortgage insurance, project-based assistance, rehabilitation, public housing, tenant-based assistance, or acquisition, leasing, support services or operation. The lead-hazard control requirements depend on the type of assistance provided. A list of these subparts and related requirements is provided at the end of these questions and answers. If you are uncertain which subpart applies to a particular program, you should examine the list of programs covered by each subpart at the end of these questions and answers.

B5. Where can I find the requirements under this regulation for housing programs of a Federal agency other than HUD?

Subpart C of the regulation covers disposition (which generally means sale) by Federal agencies other than HUD of housing built before 1978. Subpart D of the regulation covers project-based assistance by those agencies for housing built before 1978.

Each other Federal agency may establish its own regulations, policies and procedures for implementing the Act, in addition to the requirements of this regulation. You should contact the Federal agency you are interested in directly for information on their programs and practices.

B6. What subpart do I use if the program I administer at the local level provides more than one type of assistance?

Some HUD programs can be used for several different types of housing assistance. Such programs include the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships program, and the Indian Housing Block Grant program. If you are administering such a program for a city, county, State or Indian tribe, you will have to decide which subpart of the regulation applies to the type of assistance being provided to a particular unit or property. For example, if rehabilitation assistance is being provided, use subpart J, which applies to rehabilitation. If tenant-based rental assistance is being provided, use subpart M, which applies to all tenant-based rental assistance.

B7. What if a dwelling unit receives more than one type of assistance? Which subpart applies?

The types of assistance provided to a dwelling unit determine what subparts of the regulation apply to that dwelling unit. If more than one type of assistance is being provided to the same dwelling unit, and two or more sets of lead-based paint requirements apply, the most protective requirements apply. Section 35.100 of the regulation includes a table listing HUD programs from the most protective to the least protective hazard reduction requirements. Section 35.100 also provides additional guidance on how to use the table.

B8. Is clearance required after all lead hazard control activities in all HUD programs?

Yes, except for single-family mortgage insurance and small jobs (see question B11, below, for what constitutes a "small job", that is, a job for which safe work practices are not required). Clearance provides assurance to occupants and owners that the dwelling is safe for children. The clearance examination must be done by a person who did not perform the hazard control work and who is certified (or licensed) to perform lead-based paint inspections, risk assessments or clearance examinations in the State or Indian Country in which the housing is located. It involves (1) a visual assessment to assure that there aren't any deteriorated paint surfaces or visible amounts of dust or debris remaining on the property, and (2) dust testing to assure that the standards for lead in dust have been complied with. Dust testing cannot occur until after the housing has passed the visual assessment. If dust lead levels equal or exceed the standards, there should be another cleaning of the spaces and surfaces represented by the failing dust samples. The clearance examiner must prepare and sign a report documenting that the housing passed clearance.

B9. Who can do clearance examinations and other lead-based paint activities?

A clearance examination must be done by a person who was not involved in performing the hazard control work and who is certified (or licensed) as a lead-based paint inspector, risk assessor, or clearance technician in the State or Indian Country in which the housing is located. (There are some limitations on the extent of clearances in multifamily housing that can be done by certified clearance technicians.) A clearance examination can also be done by a person who has been trained but not certified as a clearance technician, provided a certified lead-based paint inspector or risk assessor approves the work of the clearance technician and signs the report of the clearance examination.

Paint testing and full lead-based paint inspections must be done by a certified lead-based paint inspector. A risk assessment must be done by a certified risk assessor. (See Question C2, below, for the difference between a lead-based paint inspection and a risk assessment.)

Abatement of lead-based paint or lead-based paint hazards must be done by a certified abatement worker, and the work must be supervised by a certified lead-based paint abatement supervisor. Interim controls of lead-based paint hazards must be done by a person who is trained in accordance with the hazard communication standard (at 29 CFR 1926.59) of the U.S. Occupational Safety and Health Administration (OSHA) and who is either supervised by a certified abatement supervisor or has completed one of several training courses that explain how to conduct such work safely so as not to contaminate the environment or expose occupants to lead. (See Question C3, below, for the difference between “abatement” and “interim controls,” as those terms are used in the regulation.)

B10. Do the requirements apply to exterior surfaces and common areas, as well as to painted surfaces within a dwelling unit?

Yes. The requirements apply to exterior surfaces and, in multi-unit buildings, common areas that are associated with the dwelling units covered by the regulation. Children can be exposed to high levels of lead dust in, for example, hallways or laundry rooms, as well as in their own homes. Lead-based paint was often used on exterior surfaces, and deteriorated exterior lead-based paint often contaminates window sills as well as the soil around the home -- all easily accessible to young children.

B11. How large does an area of deteriorated paint have to be before this rule requires action?

The rule requires that all deteriorated paint must be stabilized or abated, except when the paint is found not to be lead-based paint or when the deterioration is limited to hairline cracks or small nicks, scratches or nail holes. In addition, "safe work practices" (that is, occupant protection, worksite preparation and specialized cleaning) must be used during stabilization or abatement only when the area of paint being disturbed is greater than:

- 20 square feet on exterior surfaces; or
- 2 square feet in an interior room; or
- 10% of a building component with a small surface area (such as a painted window frame)

B12. When can the application of the regulation be delayed?

If adverse weather does not permit required hazard reduction work to be completed according to the normal schedule, the work can be delayed until the weather clears.

B13. Do occupants always need to be relocated out of their dwelling unit during lead hazard control work?

No. However, occupants (especially children) are never permitted to enter a room or hallway while work is underway there. Many jobs may be performed without relocation if the work area is contained so that dust generated by the work does not migrate to the rest of the living area during the work, cleanup and clearance. Generally, it is safer to relocate occupants until the work has been completed.

B14. What does the regulation require for dwellings where a lead-poisoned child has been identified?

In most cases in which there is continuing HUD assistance, a risk assessment of the child's dwelling must be completed within 15 days after the owner is notified of the presence of a lead-poisoned child by a health department or other medical health care provider. If lead-based paint hazards are identified, they must be corrected within 30 days after the risk assessment has been completed. For

the purposes of this requirement, a lead-poisoned child is defined as a child of less than 6 years of age with a blood lead level of 20 µg/dL (micrograms per deciliter) or greater for a single test or 15-19 µg/dL in two tests taken at least three months apart. This is called an “environmental intervention blood lead level” in the regulation. It follows the guidelines on blood lead screening and environmental investigation from the Centers for Disease Control and Prevention (CDC).

C. DEFINITIONS

C1. What are lead-based paint hazards?

Title X defines “lead-based paint hazards” as including deteriorated lead-based paint ; lead-based paint on friction surfaces, impact surfaces and accessible (chewable) surfaces; and dust and soil that is contaminated with lead above specified standards. The regulation states further that friction, impact and chewable surfaces must show signs of paint abrasion, damage or teeth marks to be considered lead-based paint hazards. Lead-based paint that is intact and in good condition is usually not considered a hazard.

C2. What is the difference between lead-based paint inspections and risk assessments?

Inspections determine whether or not lead-based paint is present and, if it is, where it is located, regardless of whether or not it is currently a hazard. Risk assessments determine whether or not lead-based paint hazards exist and, if they do, where they are located.

C3. What is the difference between abatement and interim controls?

Abatement, as the term is used in the regulation, corrects hazards for at least 20 years. Abatement methods include removal of paint, replacement of painted building components, and enclosure or encapsulation of painted surfaces. If enclosure or encapsulation is used, the application must have an expected life of at least 20 years. Interim controls correct lead-based paint hazards for a shorter period of time. The most common interim control is paint stabilization, which is described in questions B1 and C4. If interim controls are used, ongoing maintenance of lead-based paint surfaces is necessary to ensure that the housing remains lead-safe. If performed properly, both abatement and interim controls result in a lead-safe dwelling for children.

C4. What are "standard treatments?"

Under standard treatments, all deteriorated paint is stabilized (as described below), all horizontal surfaces are made smooth and cleanable to prevent accumulation of lead dust, all friction and impact surfaces (that could generate lead dust and/or paint chips) are corrected, all bare soil is covered, and a final clearance test is passed.

Stabilizing paint is repairing any physical defect in the material beneath the painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated using wet methods to reduce dust generation, and applying a new protective coating or paint.

D. ADDITIONAL SOURCES OF INFORMATION

D1. Will HUD provide training and technical assistance on the regulation?

Yes. The Department will provide extensive training nationwide for organizations administering the Community Development Block Grant (CDBG) program, the HOME program, and programs for the homeless and other special needs. Training, self-instructional materials, and technical assistance will also be made available for owners of housing receiving project-based assistance, public housing agencies, and other grantees. Public housing agencies will be provided an update to training given in 1997.

You will be able to download much of these training and technical assistance materials, as they are developed, from the HUD Internet site at www.hud.gov/lea.

D2. Where can I find certified lead-based paint risk assessors, inspectors, abatement contractors, and laboratories that are accredited for analysis of samples for lead?

HUD maintains a listing of certified firms and recognized laboratories for every State. The listing also includes accredited providers of training in lead-based paint activities. You can access the Lead Listing on the Internet at www.leadlisting.org or by telephone toll-free at 1-888-LEADLIST. This information is also available from the National Lead Information Center at 1-800-424-LEAD, and it also includes a list of accredited providers of training in lead-based paint activities.

D3. Where can I get information on how to do lead hazard evaluation and control work safely?

You can obtain HUD's "Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work" from the National Lead Information Clearinghouse, at 1-800-424-LEAD, or by downloading from www.hud.gov/lea. You can also obtain the EPA's "Reducing Lead Hazards When Remodeling Your Home" from the Clearinghouse or by downloading from www.epa.gov/opptintr/lead. Finally, you can obtain HUD's comprehensive document, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," by downloading from www.hud.gov/lea or by mail from HUD USER at 1-800-245-2691.

D4. Where can I call for more information?

You can call the National Lead Information Clearinghouse, at 1-800-424-LEAD for publications or answers to specific lead-related questions. The Clearinghouse provides information in English and Spanish. For technical information, you can call the HUD Office of Lead Hazard Control, at (202) 755-1785, ext. 104; or you can e-mail HUD at lead_regulations@hud.gov.

Final HUD Regulation Setting Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold

SUMMARY OF REQUIREMENTS

Note: Clearance is always required after abatement, interim controls, paint stabilization, or standard treatments.

Subpart of Rule/Type Program		Construction Period	Requirements
C.	Disposition by Federal Agency Other Than HUD	Pre-1960	<ul style="list-style-type: none"> • LBP inspection and risk assessment. • Abatement of LBP hazards. • Notice to occupants of inspection/abatement results
		1960-1977	<ul style="list-style-type: none"> • LBP inspection and risk assessment. • Notice to occupants of results
D.	Project-Based Assistance by Federal Agency Other Than HUD	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Risk assessment. • Interim controls. • Notice to occupants of results • Response to EBL child.
F.	HUD-Owned Single Family Sold With a HUD-Insured Mortgage	Pre-1978	<ul style="list-style-type: none"> • Visual assessment. • Paint stabilization. • Notice to occupants of clearance.
G.	Multifamily Mortgage Insurance		
	1. For properties that are currently residential	Pre-1960	<ul style="list-style-type: none"> • Provision of pamphlet. • Risk assessment. • Interim controls. • Notice to occupants. • Ongoing LBP maintenance.
		1960-1977	<ul style="list-style-type: none"> • Provision of pamphlet. • Ongoing LBP maintenance.
2. For conversions and major renovations.	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • LBP inspection. • Abatement of LBP. • Notice to occupants. 	

SUMMARY OF REQUIREMENTS (continued)

Subpart of Rule/Type Program	Construction Period	Requirements
H. Project-Based Assistance (HUD Program)		
1. Multifamily property receiving more than \$5,000 per unit per year	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Risk assessment. • Interim controls. • Notice to occupants. • Ongoing LBP maintenance and reevaluation. • Response to EBL child.
2. Multifamily property - receiving less than or equal to \$5,000 per unit per year, and single family properties	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Visual assessment. • Paint stabilization. • Notice to occupants. • Ongoing LBP maintenance. • Response to EBL child.
I. HUD-Owned Multifamily Property	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • LBP inspection and risk assessment. • Interim controls. • Notice to occupants. • Ongoing LBP maintenance. • Response to EBL child.
J. Rehabilitation Assistance		
1. Property receiving less than or equal to \$5,000 per unit	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Paint testing of surfaces to be disturbed, or presume LBP • Safe work practices in rehab. • Repair disturbed paint. • Notice to occupants.
2. Property receiving more than \$5,000 and up to \$25,000	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Paint testing of surfaces to be disturbed, or presume LBP • Risk assessment. • Interim controls. • Notice to occupants. • Ongoing LBP maintenance if HOME or CILP.
3. Property receiving more than \$25,000 per unit	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Paint testing of surfaces to be disturbed, or presume LBP • Risk assessment. • Abatement of LBP hazards. • Notice to occupants. • Ongoing LBP maintenance.

SUMMARY OF REQUIREMENTS (continued)

Subpart of Rule/Type Program		Construction Period	Requirements
K.	Acquisition, Leasing, Support Services, or Operation	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Visual assessment. • Paint stabilization. • Notice to occupants. • Ongoing LBP maintenance.
L.	Public Housing	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • LBP inspection. • Abatement of LBP. • Risk assessment if LBP not yet abated. • Interim controls if LBP not yet abated. • Notice to occupants. • Response to EBL child.
M.	Tenant-Based Rental Assistance	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Visual assessment. • Paint stabilization. • Notice to occupants. • Ongoing LBP maintenance. • Response to EBL child.

LIST OF HUD HOUSING ASSISTANCE PROGRAMS COVERED BY EACH SUBPART OF THE RULE WITHIN 24 CFR PART 35

The date of this list is: August 25, 1999.

Note: This list of programs may not be complete and is subject to change. Some housing is exempt; see 24 CFR 35.115.

Subpart G. Multifamily Mortgage Insurance (statutory section numbers refer to the National Housing Act unless otherwise specified)

This subpart applies to housing for which a HUD or FHA commitment is made on or after September 15, 2000 under the following programs:

Multifamily Rental Housing (Section 207, 12 U.S.C. 1713);

Cooperative Housing (Section 213, 12 U.S.C. 1715e);

Mortgage and Major Home Improvement Loan Insurance for Urban Renewal Areas (Section 220, 12 U.S.C. 1715k(a) and (h));

Multifamily Rental Housing for Moderate-Income Families (Section 221(d)(3) and (4), 12 U.S.C. 1715(l)(d)(3) and (4));

Existing Multifamily Rental Housing (Section 223(f), 12 U.S.C. 1715n(f));

Mortgage Insurance for Housing for the Elderly (Section 231, 12 U.S.C. 1715v);

Condominium Housing (Section 234, 12 U.S.C. 1715y);

Mark-to-Market Program (12 U.S.C. 1701); and

Supplemental Loan for Project Mortgage Insurance (12 U.S.C. 1715n).

Subpart H. Project-Based Rental Assistance

This subpart applies to housing that is receiving project-based rental assistance on or after September 15, 2000 under the following programs:

Section 8 Project-Based Housing Assistance Programs (42 U.S.C. 1437f);

The Rent Supplement Payment Program (12 U.S.C. 1701s);

Rental Assistance Payments Program (Section 236 of the National Housing Act, 12 U.S.C. 1715z-1);

Indian Housing Block Grant Program (25 U.S.C. 4101 et seq.);

Shelter Plus Care Project- and Sponsor-Based Rental Assistance (Title IV of the McKinney Homeless Assistance Act, 42 U.S.C. 11403 et seq.);

Supportive Housing for the Elderly or Direct Loans for Housing for the Elderly or Handicapped (Section 202 of the

Housing Act of 1959, 12 U.S.C. 1701q); and

Supportive Housing for Persons with Disabilities (42 U.S.C. 8013).

Subpart J. Rehabilitation

This subpart applies to housing receiving assistance for rehabilitation under the following programs (the effective date for a project in the pipeline varies with the program; see 24 CFR 35.900):

Community Development Block Grant Program (42 U.S.C. 5301 et seq.);

Home Investment Partnerships (HOME) (42 U.S.C. 12701-12840);

HOPE for Homeownership of Single Family Homes (HOPE 3) (42 U.S.C. 12891-12898);

Indian Housing Block Grant Program (25 U.S.C. 4101 et seq.);

Indian Community Development Block Grant Program (42 U.S.C. 5301 et seq.);

Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. 12901-12912);

Homeownership of Multifamily Units (HOPE 2) (42 U.S.C. 12871-12880); Emergency Shelter Grants (42 U.S.C. 11371-11378);

Supportive Housing (42 U.S.C. 11381-11389);

Interest Reduction Payment (IRP) Grant program (12 U.S.C. 1715z-1);

Flexible Subsidy-Capital Improvement Loan Program (CILP) (12 U.S.C. 1715z-1); and

Mark-to-Market Program (12 U.S.C. 1701).

Subpart K. Acquisition, Leasing, Support Services, or Operation.

This subpart applies to housing receiving assistance for acquisition (e.g., down payment assistance), leasing (e.g., homelessness prevention), support services (e.g., health, child care, or training), or operation (e.g., emergency shelter) under the following programs (the effective date for a project in the pipeline varies with the program; see 24 CFR 35.1000):

Community Development Block Grant (42 U.S.C. 5301 et seq.);

Home Investment Partnerships (HOME) (42 U.S.C. 12701-12840);

Homeownership of Multifamily Units (HOPE 2) (42 U.S.C. 12871-12880);

HOPE for Homeownership of Single Family Homes (HOPE 3) (42 U.S.C. 12891-12898);

Indian Community Development Block Grant Program (42 U.S.C. 5301 et seq.);

Indian Housing Block Grant Program (25 U.S.C. 4101 et seq.);

Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. 12901-12912);

Permanent Housing for Handicapped Homeless Persons (42 U.S.C. 11381 et seq.); and

Supportive Housing Program (42 U.S.C. 11381-11389).

Subpart L. Public Housing

This subpart applies to housing owned by public housing authorities and assisted under the United States Housing Act of 1937, except for Section 8 of that Act. Covered programs include the following:

Public Housing Development (42 U.S.C. 1437b, 1437c and 1437g);

Public Housing Operating Subsidy (42 U.S.C. 1437g);

Public Housing Authority (PHA) Owned or Leased Projects Maintenance and Operation (42 U.S.C. 1437d and 1437g);

Public Housing Modernization (Comprehensive Grant Program; CGP) (42 U.S.C. 1437l);

Public Housing Modernization (Comprehensive Improvement Assistance Program; CIAP) (42 U.S.C. 1437l);

Homeownership and Opportunity for People Everywhere (HOPE 1) (42 U.S.C. 1437aaa et seq.);

Urban Revitalization Demonstration (HOPE VI);

PHA-owned lower-income public housing projects, including Turnkey III, Mutual Help, conveyed Lanham Act and Public Works Administration projects, and

Section 23 Leased Housing Bond-Financed projects.

This subpart does not apply to projects under the Section 23 and Section 8 Housing Assistance Payments programs.

Subpart M. Tenant-Based Rental Assistance

This subpart applies to housing that is occupied by a family with a child of less than 6 years of age and receives tenant-based rental assistance under the following programs:

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

HOME Tenant-Based Rental Assistance Program (42 U.S.C. 12701-12840);

Indian Housing Block Grant program (25 U.S.C. 4101 et seq.);

Shelter Plus Care Tenant-Based Rental Assistance (42 U.S.C. 11403 et seq.); and

Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. 12901-12912).